## **United States Department of Labor Employees' Compensation Appeals Board**

R.G., Appellant	)	
and	) Docket No. 11-1643	Ł
anu	) Issued: January 25,	
DEPARTMENT OF HOMELAND SECURITY,	)	
TRANSPORTATION SECURITY	)	
ADMINISTRATION, Chicago, IL, Employer	)	
Appearances:	Case Submitted on the Reco	ord
Alan J. Shapiro, Esq., for the appellant		

Office of Solicitor, for the Director

## ORDER REMANDING CASE

Before: RICHARD J. DASCHBACH, Chief Judge ALEC J. KOROMILAS, Judge COLLEEN DUFFY KIKO, Judge

Appellant, through her attorney, filed an application for review of the Office of Workers' Compensation Programs' (OWCP) June 1, 2011 merit decision denying her occupational disease claim. The appeal was docketed as File No. 11-1643. The Board finds that this case is not in posture for a decision.

On April 20, 2007 appellant filed an occupational disease claim under File No. xxxxxx357 for neck and back injuries resulting from employment activities. OWCP accepted the claim for temporary aggravation of three preexisting conditions, namely lumbar sprain, cervical disc herniation and lumbar disc bulge.

The present appeal involves appellant's August 25, 2009 occupational disease claim under File No. xxxxxx817 in which she alleged that she sustained an aggravation her preexisting herniated disc condition as a result of her employment activities as a security screener. By decision dated November 20, 2009, OWCP denied her claim finding that the evidence was insufficient to establish that she had a medical condition that was causally related to the established work-related activities. By decision dated June 17, 2010, an OWCP hearing representative affirmed the November 20, 2009 decision, noting that he was unable to determine whether appellant's condition was an aggravation of a preexisting condition or a natural

progression of the condition. In a decision dated June 1, 2011, OWCP denied modification of its prior decision.

In the instant case, OWCP has accepted that appellant was engaged in the same work activities that were responsible for her accepted condition under File No. xxxxxx357. The issue is whether those same activities are responsible for a new injury. As appellant's diagnosed cervical and lumbar conditions are at issue in both cases, medical evidence contained in File No. xxxxxx357 will necessarily bear directly on her claim for compensation in the instant case. Because it is essential for the Board to review the medical evidence contained in File No. xxxxxx357 in order to render a full and fair adjudication of the present appeal, this case will be remanded for OWCP to consolidate case file numbers xxxxxx357 and xxxxxx817. After developing the medical evidence as it deems necessary, OWCP should issue a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

**IT IS HEREBY ORDERED** that the Office of Workers' Compensation Programs' June 1, 2011 decision be set aside and the case remanded for further development consistent with this order.

Issued: January 25, 2012 Washington, DC

Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

Alec J. Koromilas, Judge Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board